

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 560 - SB 661**

March 29, 2015

**SUMMARY OF BILL:** Removes “marijuana” the definition of drug paraphernalia as it relates to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing certain controlled substances into the human body.

**ESTIMATED FISCAL IMPACT:**

**Decrease State Expenditures – \$34,000/Incarceration\***

Assumptions:

- Under current law, it is a Class E felony to deliver, possess with intent to knowingly deliver, or manufacture with intent to deliver drug paraphernalia that will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body.
- Statistics from the Department of Correction (DOC) show a 10-year average of 10.6 admissions per year for delivering, possessing with intent to deliver, or manufacturing with intent to deliver drug paraphernalia.
- There is insufficient data to determine how many or what percentage of these admissions are attributable to marijuana-related drug paraphernalia. It is assumed that at least one admission per year involves marijuana-related drug paraphernalia that will be reduced by the bill.
- According to the DOC, the average operating cost per offender per day for calendar year 2015 is \$66.03.
- The average time served for a Class E felony is 1.41 years (515 days).
- The bill will result in a decrease in incarceration costs of \$34,005 (1 admission x 515 days x \$66.03).
- The bill will only reduce the felony caseload across the State by one case per year. The courts, district attorneys, and public defenders can accommodate the impact within their existing resources.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

**HB 560 - SB 661**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, reading "Jeffrey L. Spalding". The signature is written in a cursive style with a large, stylized "J" and "S".

Jeffrey L. Spalding, Executive Director

/trm